UNITED STATES PATENT AND TRADEMARK OFFICE

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10/669,652	09/25/2003	Haruhiko Kinoshita	Q77552	5574

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communication filed on 4/25/2008. Claims 1-24 are

    subject to examination.

2. The final rejection mailed on 1/25/2008 is withdrawn. Therefore, the prosecution

    is reopened, and This is a non-Final rejection.

3. Applicant's claim for foreign priority for the priority filed 10/25/2003 has been

    acknowledged.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

4. Claims 9-16 are rejected under 35 U.S.C. 101 because the claimed invention is

    directed to non-statutory subject matter.

5. As per claim 9, it states "a system for generating a content management

    information used in determining a plan for utilizing content in a plurality of

    utilization modes, comprising: means for saving initial information....means for

    deciding....means for extracting.....means for generating content...."

6. As per claim 10, it states "a system for generating a content management

    information used in determining a plan for utilizing content in a plurality of

    utilization modes, comprising: means for saving initial information....means for

    deciding....means for extracting.....means for generating content...."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-7,9-16,17-23 are rejected under 35 U.S.C. 102(e) as being

anticipated by Kawaguchi et al. U.S. Patent Publication # 2002/0165832

(hereinafter Kawaguchi)

As per claim 1, Kawaguchi teaches a method for generating a content

management information (i.e. product management information) used in determining a

plan for utilizing contents (i.e. products) in a plurality of utilization modes, comprising the

steps of:

-saving initial information (i.e. product information) about an object content

(products) (Paragraph 36)(paragraph 39) The reference teaches saving revision to the

items such as sales price, and updating processing of the product information i.e.

common product informtion+by retailer product information in product database of the

retailer.

-deciding whether initial information contained in each of a plurality of utilization

result information indicating utilization results of other contents in the past is on the

same level as the initial information of the object content (Paragraphs 37,38, 42,43,44);

The reference teaches in Fig. 3 step 13 and step14, it checks if the there is product information (deciding whether initiation contained) (paragraph 37). In 42, it states the product information is already displayed and then controller registers this product information in shared product database. In Paragraph 50, it states utilization results i.e. per-usage fees being utilized: 90 yen and in a predetermined period (for example, one month).

-extracting the utilization result information that contains the initial information decided to be on the same level (Paragraphs 46-54)

The reference teaches extracting utilization results data which contains initial information i.e. the common product information which is used and creates a utilization results which is listed in Paragraphs 48-54.

-generating the content management information about the object content based on the extracted utilization result information (Paragraphs 47-54)

The reference teaches calculating total fees and using utilization data at each predetermined period and preparing the utilization results data (Fig. 2E).

As per claim 2, Lee teaches a method for generating a content management information used in determining a plan for utilizing contents in a plurality of utilization modes, comprising the steps of:

-saving initial information (i.e. product information) about an object content (products) (Paragraph 36)(paragraph 39) The reference teaches saving revision to the items such as sales price, and updating processing of the product information i.e.

common product informtion+by retailer product information in product database of the retailer.

-deciding whether initial information contained in each of a plurality of utilization result information indicating utilization results of other contents in the past is on the same level as the initial information of the object content (Paragraphs 37,38, 42,43,44);

The reference teaches in Fig. 3 step 13 and step14, it checks if the there is product information (deciding whether initiation contained) (paragraph 37). In 42, it states the product information is already displayed and then controller registers this product information in shared product database. In Paragraph 50, it states utilization results i.e. per-usage fees being utilized: 90 yen and in a predetermined period (for example, one month).

-extracting the utilization result information that contains the initial information decided to be on the same level and that is indicative of any one of a top ranking predetermined number of utilization effects contained in the utilization results (Paragraphs 46-54)

The reference teaches extracting utilization results data which contains initial information i.e. the common product information which is used and creates a utilization results which is listed in Paragraphs 48-54. It states per-usage fees for utilizing, per-usage fees for being utilized over a pre-determined period, number of times common product data registered, total fees. These features shows the predetermined number of utilization effects contained in the results. In paragraph 55, it lists and example that if overall utilization fee for the product information management system for one month is

10,000 yen, and earning/expenditures related to the utilization of shared product database is of 400 yen, then retailer can pay a utilization charge for that month of 10000-400=9600 yen. This shows the utilization effects which are contained in the results.

-generating the content management information about the object content based on the extracted utilization result information (Paragraphs 47-54)

The reference teaches calculating total fees and using utilization data at each predetermined period and preparing the utilization results data (Fig. 2E).

As per claim 3, Lee teaches the method according to claim 1, wherein the initial information contains the utilization result (i.e. utilization results/rate)of the object content (i.e. product information) in a predetermined utilization mode at a predefined initial stage (Paragraph 46)(Paragraph 47)

As per claim 4, Lee teaches the method according to claim 3, wherein in case values (Paragraph 49,50) indicated by the respective utilization results contained in the plurality of initial information (i.e. per-usage fees for being utilized, times of common data registered)) are all in a predetermined range (i.e. over a period of a month), the plurality of initial information are decided to be on the same level (Paragraphs 47,49,50,52).

As per claim 5, Lee teaches the method according to claim 1, wherein the initial information contains a holding result of an event based on which the object content has been created (Paragraph 55)

As per claim 6, Lee teaches the method according to claim 5, wherein in case values indicated by the respective holding results contained in the plurality of initial information are all in a predetermined range (i.e. predetermined period), the plurality of initial information are decided to be on the same level (Paragraphs 47,49,51,52,53)(Fig. 4,5,6).

As per claim 7, Lee teaches the method according to claim 1, wherein the utilization result information contains the respective utilization results in the plurality of utilization modes (Paragraphs 50,52,53); and the extracted utilization result information is used to thereby derive an average value in each of the plurality of utilization modes (Paragraphs 46-54)

As per claims 9,17, teaches same limitations as claim 1, therefore rejected under same basis.

As per claims 10-15, teaches same limitations as claims 2-7, therefore rejected under same basis.

As per claims 18-23, teaches same limitations as claims 2-7, therefore rejected under same basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8,16,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi et al. U.S. Patent Publication # 2002/0165832 (hereinafter Kawaguchi) in view of Lee et al. U.S. Patent Publication # 2002/0007368 (hereinafter Lee)

As per claim 8, Kawaguchi teaches the method according to claim 1, but is silent in teaches Lee teaches the method according to claim 1, wherein the content contains image data and a mode of utilizing the content as data of a movie used at least when showing the movie is included as one of the modes of utilizing the content. Lee teaches wherein the content contains image data (Paragraph 33,34); The reference teaches the image data in this case is episodes i.e. different episode/series;

-a mode of utilizing the content as data of a movie (i.e. TV shows and episode sequence of the multimedia) used at least when showing the movie is included as one of the modes of utilizing the content (Paragraph 50)(Paragraph 39). The reference teaches showing a TV show i.e. based on the running time of plot, program theme which is modes of utilizing the content.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to implement Lee's teaching in Kawaguchi's teaching to come up with having content containing image data and utilizing content as data of movie when showing the movie is included as one of the modes of utilizing the content. The motivation for doing so would be know the running time of the a program, theme a plot of the program i.e. episode of the program which is stored as the usage time (paragraph 39).

As per claims 16,24 teaches same limitations as claim 8, therefore rejected under same basis.

Response to Arguments

Applicant's arguments with respect to claims 1,9,17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the applicant (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

9.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dhairya A. Patel whose telephone number is 571-272-5809. The examiner can normally be reached on Monday-Friday 7:00AM-4: 30PM, first Fridays OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DAP

/Ashok B. Patel/

Primary Examiner, Art Unit 2154